

1 [Submitting Counsel on Signature Page]

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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13 IN RE: JUUL LABS, INC., MARKETING, SALES
14 PRACTICES, AND PRODUCTS LIABILITY LITIGATION

Case No. 19-md-02913-WHO

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This Document Relates to:

**JOINT STIPULATION AND ORDER REGARDING
PRIOR DEPOSITION OF JUUL LABS, INC.
EMPLOYEE, JOSEPH LUNN, TAKEN ON JULY 13-
15, 2019 IN THE NORTH CAROLINA ATTORNEY
GENERAL CASE**

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ALL CASES

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Case No. 19-md-02913-WHO

JOINT STIPULATION AND ORDER REGARDING PRIOR DEPOSITION OF JUUL LABS, INC. EMPLOYEE, JOSEPH LUNN, TAKEN ON
JULY 13-15, 2019 IN THE NORTH CAROLINA ATTORNEY GENERAL CASE

1 **WHEREAS**, during the course of this MDL action, Juul Labs, Inc. ("JLI") produced to the Plaintiffs'
2 Steering Committee ("PSC") and all Defendants in this MDL, the videos, transcripts and exhibits of the
3 deposition of JLI's employee Joseph Lunn taken on July 13, 2020-July 15, 2020 ("Lunn Deposition") in *IN RE*
4 *MATTER OF: STATE OF NORTH CAROLINA, ex rel. JOSHUA H. STEIN, Attorney General v. JUUL LABS, INC.*, File
5 No. 19 CVS 2885, In the General Court of Justice, Superior Court Division, State of North Carolina, Durham
6 County ("N.C. AG case").
7

8 **WHEREAS**, on November 4, 2020, the PSC served JLI with *Plaintiffs' Second Amended Oral and*
9 *Videotaped Deposition of Defendant JUUL Labs, Inc. Regarding Marketing and Advertisement* pursuant to
10 Fed. R. Civ. P. 30(b)(6) ("PSC's Initial Marketing 30(b)(6) Deposition"). JLI notified the PSC that it was
11 producing its employee Joseph Lunn as the company representative to testify regarding the Topics set forth
12 in PSC's Initial Marketing 30(b)(6) Deposition Notice." Mr. Lunn's deposition was scheduled to begin on
13 January 21, 2021.
14

15 **WHEREAS**, certain of the issues explored in the Lunn Deposition in the N.C. AG case are, or may be,
16 relevant to this litigation and are responsive to Topics in the "PSC's Initial Marketing 30(b)(6) Deposition
17 Notice";
18

19 **WHEREAS**, the parties wish to promote the efficient conduct of this litigation and to avoid
20 unnecessarily taking duplicative deposition testimony in this action;
21

22 **IT IS THEREFORE STIPULATED AND AGREED**, by and between the parties, that:

23 1. The Lunn Deposition in the N.C. AG case will be deemed taken in this action pursuant to
24 Rule 30(b)(6) as it relates to Topics set forth in the PSC's Initial Marketing 30(b)(6) Deposition Notice, and
25 Rule 32(a)(1)(A) and Rule 32(a)(8) are deemed satisfied.
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27 2. The parties waive any objection to the admission of the Lunn Deposition in the N.C. AG case
28 as evidence in this matter, including at trial, on the grounds that (a) they were not taken in this action, (b) Case No. 19-md-02913-WHO

1 the deposition testimony occurred outside of court; or (c) that any of the parties were not present at the
2 Lunn Depositions in the N.C. AG case.

3 3. Nothing in this Order shall be construed to limit any party's right to raise any evidentiary
4 objection that the party would have had under the Federal Rules of Evidence had the witness testified live
5 at the trial or hearing.

6 4. Nothing in this Order shall be construed to preclude the PSC from taking further depositions
7 in this action of any individual or entity, including Joseph Lunn or JLI, regarding other Topics including
8 marketing Topics pursuant to Rule 30(b)(6), should the PSC deem it necessary.

9 5. Nothing in this Order shall prevent any party from seeking to modify this Order, including
10 seeking a further stipulation and/or order regarding the use of prior deposition testimony from the N.C. AG
11 Litigation; and,

12 6. Nothing in this Order shall prevent any party from objecting to any attempt to take further
13 discovery that it believes to be otherwise improper under the Federal Rules of Civil Procedure.

14 IT IS SO STIPULATED.

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16 RESPECTFULLY SUBMITTED this 1st day of February, 2021.

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1
2 **ORDER**
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6 **PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED:**
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28 HONORABLE WILLIAM H. ORRICK
United States District Judge